

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of the Subscriber Carrier	)	
Selection Changes Provisions of the	)	CC Docket No. 94-129
Telecommunications Act of 1996	)	
	)	
Policies and Rules Concerning	)	
Unauthorized Changes of Consumers'	)	
Long Distance Carriers	)	

**Comments of the  
Maine Public Utilities Commission**

I. INTRODUCTION

On March 17, 2003, the FCC released its Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking seeking comments on whether it should revise, clarify, or adopt any additional rules to more effectively carry out Congress' directives in the Communications Act to combat unauthorized changes in a subscriber's telecommunications providers ("slamming"). (The Notice of Proposed Rulemaking was published in the Federal Register on April 18, 2003.) The FCC requested comments on whether third party verifiers should state the date during the taped verification process, whether the verifier should be required to make additional statements, and whether the additional statements would lessen or heighten customer confusion. The Maine Public Utilities Commission (MPUC) submits the following comments in response to the FCC's Notice of Proposed Rulemaking.

II. COMMENTS

The Maine Public Utilities Commission (MPUC) believes additional minimum requirements for third party verification calls are needed to improve the carrier change process for all parties involved, and to further protect consumers from the practice of slamming. The MPUC supports the changes proposed by the FCC in its Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking. Specific comments on each of the proposed changes follow.

1. The MPUC supports the FCC's proposal to require third party verifiers to state the date during the recorded verification call. In addition, the MPUC recommends requiring that the time of the call also be recorded. Only by recording the date and time of a verification call can a carrier prove when the verification took place. This

information is vital to the investigation of slamming complaints. In many slamming complaints investigated by the MPUC (and as noted by the FCC in its Notice of Proposed Rulemaking), customers complained that while they may have authorized a change to a particular carrier at one time, after they switched away from the carrier they later found they had been switched back to the previous carrier without their permission. The carrier would then need to prove that authorization had been obtained from the customer for each change in service. A clearly articulated date and time on the verification tape would identify the change to which a particular verification call applied and would be used to determine whether or not all carrier changes were authorized. In addition, the time of the verification call is especially important in cases where a customer has participated in multiple verifications with different carriers on the same day.

2. The MPUC supports the FCC's proposal to require third party verifiers to inform the customer that the verification will be terminated if the customer has additional questions for the carrier's sales representative regarding the carrier change. This requirement would eliminate questionable verifications that occur when a customer asks questions of the verifier because they are unsure of the subject of the call. In many slamming complaints investigated by the MPUC, it is clear from the questions the customer asked the verifier that the customer had no idea the call concerned a change from one carrier to another. This requirement will protect both customers and carriers by improving the validity of the third party verification process.

3. The MPUC supports the FCC's proposal to require third party verifiers to inform the customer that the carrier change will take place if the verification call is completed, and that the carrier cannot cancel the change if the customer changes their mind after the call is completed. Customers should be informed that the only way to stop the carrier change is to freeze their current PIC or to contact another carrier and have another carrier change order submitted. This requirement will eliminate confusion in situations where the customer is under the impression that if they change their mind within 24 hours, they can cancel the carrier change.

4. The MPUC supports the FCC's proposal to require third party verifiers to make clear to a customer that they are not verifying their intention to retain their existing service, but are in fact asking for a carrier change. In many slamming complaints investigated by the MPUC, customers said they were under the impression they were agreeing to a new rate plan with their existing carrier and had no idea a change in carriers would result. It is clear from the questions asked by the customer during the verification process that they had no idea the call concerned a change from one carrier to another. This requirement will help to eliminate questionable verifications that occur when a customer is unsure of the subject of the call.

5. The MPUC supports the FCC's proposal to require third party verifiers to ask individual questions separately and obtain separate and distinct answers to each question, rather than asking questions as a group or in long, compound sentences. In many slamming complaints investigated by the MPUC, customers were asked a

question that combined the issue of which service was being changed with confirmation that the person on the call was authorized to make the change. As a result, it was impossible to know which question the customer was answering, and customers further said they had no idea the call would result in a carrier change.

6. The MPUC supports the FCC's proposal to require third party verifiers to use the same terminology when referring to the type of toll service being offered as was used in the sales call with the customer. Carriers use a variety of terms to describe intraLATA toll, such as "local toll" and "local long distance." This can be confusing to customers if the terms used during the verification call are not the same as those used during the sales call. Third party verifiers should also be required to inform customers making a change in interLATA service that interLATA applies to both international and state-to-state calls, so that customers can ensure they have calling plans that cover both international and state-to-state calls.

7. In addition to the changes proposed by the FCC, the MPUC strongly recommends that telecommunications carriers be required to submit a preferred carrier change order within 60 days of obtaining a third party verification. This time period is the same as the requirement adopted by the FCC for electronic and written Letters of Agency (see 47 CFR Section 64.1130(j)). Limiting the validity of a TPV to 60 days will ensure that carrier changes are submitted in a timely manner and eliminate subscriber confusion about change requests they may have made but no longer remember.

### III. CONCLUSION

The MPUC appreciates the opportunity to comment on proposed improvements to the third party verification process. These changes will not only provide additional protections for consumers, but will help carriers ensure customers are fully informed about the carrier change process.

Respectfully submitted,

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Date: May 12, 2003